



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
3 WORLD FINANCIAL CENTER
ROOM 4300
NEW YORK, NEW YORK 10281-1022

JACK KAUFMAN
(212) 336-0106
KaufmanJa@sec.gov

MEMO ENDORSED

July 24, 2008

VIA FAX (212-805-6326)

Hon. Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 640
New York, NY 10007

USDS SDNY
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ELECTRONICALLY FILED
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RE: SEC v. Michael W. Crow, et al., 07 Civ. 3814 (CM) (SDNY)

Dear Judge McMahon:

I represent plaintiff Securities and Exchange Commission in this action. Due to scheduling difficulties this fall, the Commission respectfully requests a continuance of the trial in this case until December 2008 and a corresponding adjournment of the final pre-trial conference and the date for filing motions *in limine*. On July 17, 2008, the Court scheduled the trial to commence on October 14, 2008.

Commission counsel in this action have a two-week bench trial before Judge Lynch commencing on September 8, 2008, with post-trial briefing to follow. It would be, at best, extremely difficult for Commission counsel to prepare adequately for both their September 8 trial and an October 14 trial in this action. Accordingly, the Commission respectfully requests an enlargement to December for the commencement of trial.

The Commission also respectfully requests that the Court adjourn the final pre-trial conference until shortly before the trial and adjourn the time for the parties to file motions *in limine*, which would otherwise be due today pursuant to Section 3.E of the Court's Individual Practices, until ten days before the final pre-trial conference.

Commission counsel conferred on July 18 and 21 with counsel for defendants. Counsel for defendant Michael W. Crow and affiliated parties ("Crow defendants") stated that he opposed a continuance to December 2008. He indicated that he may be willing to agree to a

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No continuance - I have no time in
December - or November - due to
criminal matters

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continuance until November 17, 2008, but has not given Commission counsel a final answer. Counsel for defendant Robert David Fuchs and affiliated parties ("Fuchs defendants") has agreed to consent to a continuance if counsel for the Crow defendants consents.

Respectfully submitted,

Handwritten signature of Jack Kaufman in black ink, followed by the initials "/pk".

Jack Kaufman
Senior Trial Counsel
Division of Enforcement

cc: Martin Russo, Esq. (by email only)
Howard Sirota, Esq. (by email only)
Adam Gilbert, Esq. (by email only)